

HEALTH REGULATION # 11
UNDERGROUND STORAGE TANKS



Adopted by the Tooele County Board of Health

January 4, 2001

Under Authority of Section 26A-1-121
Utah Code Annotated, 1953, as amended

Certified Official Copy
Tooele County Health Department

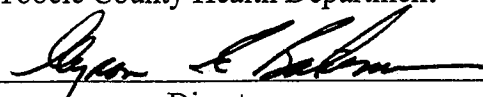
By: 
Director

TABLE OF CONTENTS

	Page
1.0 PURPOSE.....	1
2.0 DEFINITIONS.....	1
3.0 ADOPTION OF UNDERGROUND STORAGE TANKS PRACTICES.....	2
4.0 APPROVAL AND PERMIT REQUIRED.....	2
5.0 NOTIFICATION AND PLANS REQUIRED.....	3
6.0 CLOSURE/INSTALLATION FEE.....	3
7.0 PERMIT SUSPENSION AND REVOCATION.....	3
8.0 PENALTIES.....	4
9.0 FEES.....	4
10.0 SEVERABILITY.....	4

TOOELE COUNTY HEALTH DEPARTMENT REGULATIONS FOR UNDERGROUND STORAGE TANKS

1.0 PURPOSE

- 1.1 The purpose is to adopt Standards and Regulations relating to underground storage tanks, to insure that minimal standards are maintained throughout Tooele County, that are designed to protect the public and environmental health from releases of harmful substances and to prevent fire hazards, and to provide a method of administration.

2.0 DEFINITIONS

- 2.1 Department: The Tooele County Health Department;
- 2.2 Director: The Director of the Tooele County Health Department or his or her authorized representative;
- 2.3 Operator: Any person in control of, or having responsibility for, the daily operation of a UST system.
- 2.4 Owner: In the case of an UST system in use on November 8, 1984, or brought into use after that date, any person who owns a UST system used for storage, use, or dispensing of regulated substances: and In the case of any UST system in use before November 8, 1984, but no longer in use on that date, any person who owned such UST immediately before the discontinuation of its use.
"Person" means an individual, trust, firm, joint stock company, Federal agency, corporation, state, municipality, commission, political subdivision of a state, or any interstate body. "Person" also includes a consortium, a joint venture, a commercial entity, and the United States Government.
- 2.5 Regulated Substances: Means any petroleum product or other substance defined as a regulated substance by 40 Code of Federal Regulation 280.
- 2.6 Underground Storage Tank (UST): Any one or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground. This term does not include any:
- a. Farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;
 - b. Tank used for storing heating oil for consumptive use on the premises where stored;
 - c. Septic tank;
 - d. Pipeline facility (including gathering lines) regulated under:

1. The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671, et seq.), or
 2. The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001, et seq.), or
 3. Which is an intrastate pipeline facility regulated under state laws comparable to the provisions of the law referred to in paragraph (d) (1) or (d) of this definition;
- e. Surface impoundment, pit, pond, or lagoon;
 - f. Storm-water or wastewater collected system;
 - g. Flow through process tank;
 - h. Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations; or
 - i. Storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, shaft or tunnel) if the storage tank is situated upon or above the surface of the floor.
- 2.7 The term "underground storage tank" or "UST" does not include any pipes connected to any tank which is described in paragraphs 2.6.1 through 2.6.9 of this definition.
- 2.8 UST Closure: Either removing the UST from the ground or leaving it in place. In both cases, the tank must be emptied and cleaned by removing all liquids, dangerous vapor levels, and accumulated sludge. If left in the ground, the UST must be filled with an approved harmless, chemically inactive solid.

3.0 ADOPTION OF UNDERGROUND STORAGE TANKS PRACTICES

- 3.1 State of Utah Regulations establishing control work practices and contractor certification for underground storage tanks are hereby established. The Utah Administrative Code Rules, R311-101 and R311-200 through R311-212," are hereby adopted and approved by the Tooele County Board of Health. The listed rules are a part of the regulations of the Tooele County Health Department, hereinafter also referred to as the Department, and have the same effect and extent as if the listed regulations were copied herein in full.

4.0 APPROVAL AND PERMIT REQUIRED

- 4.1 Written approval and a permit must be obtained from the Department, by any person, owner, or operator engaged in closure, removal or installation of any underground storage tank prior to commencing any such project.
- 4.2 No underground storage tank closure/installation permit is transferable from one person, owner or operator to another.

5.0 NOTIFICATION AND PLANS REQUIRED

- 5.1 A person, owner or operator shall provide the Department with a written notice of intention to remove or install an underground storage tank and a plan of how such an operation will be accomplished.
- 5.2 The applicant shall insure that the Utah Department of Environmental Quality has received a 72 hour notice of closure as specified in Section R311-204.4 of the Utah Administrative Code Rules. Also, installation plans must be submitted to the County Health Department at least 72 hours prior to all new installations of underground storage tanks and appurtenances. Installation must conform to the current provisions of the "uniform Fire Code," as adopted by the State of Utah.

6.0 CLOSURE/INSTALLATION FEE

- 6.1 A fee for each closure/installation site shall be paid by the person applying for a permit to the district, in an amount established from time to time, by the Tooele County Board of Health. Fees shall be paid at the time the permit is issued.
- 6.2 If a closure or installation of a UST has been commenced without first obtaining a permit, an investigation fee shall also be required to be paid to the department to obtain a permit which shall equal the closure or installation fee.

7.0 PERMIT SUSPENSION AND REVOCATION

- 7.1 A permit issued under Sections 4.0 and 5.0 of these regulations shall be suspended or revoked for any of the following:
 - 7.1.1 Submission of incorrect or false information in an application.
 - 7.1.2 Failure of the applicant to remove, handle, contain, transport, or dispose of underground storage tanks in accordance with these regulations and plans approved by the Department;
 - 7.1.3 Violation of any rule, standard, regulation, restriction, or requirement adopted by the Department concerning underground storage tanks;
 - 7.1.4 Violation of a plan upon which the permit was issued;
 - 7.1.5 Using non-certified personnel in the removal or installation of underground storage tanks;
 - 7.1.6 Failure to provide information as requested by the Department in accordance with the provisions of these regulations; or

7.1.7 Failure to permit or allow the Department to conduct inspections to determine compliance with these regulations.

7.2 The Department shall immediately stop work on any underground storage tank project within its jurisdiction if the certified tank handler, owner or operator does not have an underground storage tank closure plan approved, or permitted by the Department.

8.0 PENALTY

8.1 Any person, association, or corporation, and the officers of the Association or corporation who is found guilty of violating any of the provisions of these standards and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated, 1953, as amended. If a person is found guilty of a subsequent similar violation within two years, he is guilty of a class A misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated, 1953, as amended.

8.2 Each day such violation is committed or permitted to continue shall constitute a separate violation.

8.3 The city attorney, or if appropriate the County Attorney, may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of these Standards and Regulations.

8.4 In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these Standards and Regulations shall be liable for all expenses incurred by the Department in resolving and remediating the violation.

9.0 FEES

9.1 Any person, association, corporation, or the officers of the Association or Corporation, are liable for any expense incurred in removing or abating a nuisance or health hazard caused or allowed to exist as a result of a failure to comply with these standards and regulations.

10.0 SEVERABILITY


10.1 If any provision, clause, sentence, or paragraph of these Standards and Regulations or the application thereof to any person regardless of circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of these

Standards and Regulations. The valid part of any clause, sentence, or paragraph of these regulations shall be given independence from the invalid provisions or application and to this end the provisions of these regulations are hereby declared to be severable.

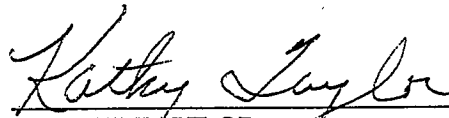
IN WITNESS WHEREOF, the Tooele County Board of Health has passed, approved and adopted this regulation this 4 day of June, 2001.

ATTEST:

TOOELE COUNTY BOARD OF HEALTH



MYRON E. BATEMAN,
Health Officer



KATHY TAYLOR,
Chairperson